IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

LETTERS PATENT APPEAL NO.312 OF 2007
IN
WRIT PETITION NO.3002 OF 2007.
(Manohar Vitthalrao Pohekar Vs Dr. Mrs. Uma Natrajan Ayer.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri V.G.Bhamburkar, Advocate for appellant.
Shri M.B.Naidu, Advocate for Respondent.

CORAM : K.J.ROHEE AND
R.C.CHAVAN, JJ.

DATED : NOVEMBER 27, 2007.

1. Heard learned counsel for the parties.

2. The respondent-landlady moved the Rent Controller and obtained permission to issue quit notice to the petitioner who is her tenant. It was contended by the learned counsel for the appellant/petitioner that the landlady is an Anesthetist, is not a regular Medical

Practitioner and as such she does not require any independent clinic than that of her husband. It was further urged by the learned counsel for the appellant that the landlady did not examine herself and instead examined her husband. Thus, according to the learned counsel for the petitioner there is no evidence in support of the impugned order passed by the Rent Controller and confirmed by the learned Single Judge.

3. A perusal of the impugned order shows that the learned Single Judge has considered all these aspects and found, firstly, that there is no specific denial to the fact that the landlady is running her clinic in the hospital premises of her husband, although there is only evasive denial in the written statement filed by the petitioner. Secondly it was observed by the learned Single Judge that though the landlady did not enter witness box the evidence adduced by her husband can be accepted since he was having personal

knowledge about the need of his wife.

4. In view of this, we do not find any force in the appeal. Hence, the same is dismissed.

JUDGE. **JUDGE.**

RR.